IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.537 OF 2005

Shri Suresh Davalbhakta ...Petitioner

Versus

Shri Ajay Jaywantrao Bhosale & Ors. ...Respondents

ALONG WITH

CRIMINAL WRIT PETITION NO.677 OF 2005

Smt.Seema Suresh Davalbhakta ...Petitioner

Versus

Shri Ajay Jaywantrao Bhosale & Ors. ...Respondents

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Mr.S.S.Kulkarni for Petitioner in WP 537/05.

Mr.Yashpal Thakur i/b Mr.Paras Kuhad for Petitioner.

Ms.Revati Mohite-Dere for Respondent No.1 in
WP 537/05 & for Respondent No.2 in 677/05.

Ms.S.V.Gajare, A.P.P. for Respondent No.4.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 21, 2005.

P.C.

1. Heard Counsel for the parties.

2. Rule. Rule made returnable forthwith, by consent. Ms.Revati Mohite-Dere and Ms.Gajare, A.P.P. waives notice for respective Respondents.

3. As short question is involved, Petitions are taken up for final disposal forthwith, by consent.

4. Criminal action has been initiated by Ajay Jaywantrao Bhosale by registering offence under Sections 406, 420 read with Section 120B and 34 of the Indian Penal Code in regular criminal complaint No.413 of 2005. The Petitioners in the respective matters have been named as accused in the said criminal complaint. During the pendency of these proceedings, parties have now amicably resolved all their differences and have reached at an understanding including that the criminal complaint will not be precipitated against the accused. The complainant Ajay Jaywantrao Bhosale has appeared through Counsel before this Court, who in turn, reiterates that position. Parties have entered

into compromise terms which are placed on record. The compromise terms have been filed in the civil proceedings pending between the parties in the Court at Pune in Special Civil Suit No.242 of 2005. Clause 4 of the Consent Terms provides that the Complainant will withdraw all criminal complaints pending against the accused. As a result of such understanding arrived at between the parties, Counsel for the Complainant submits that the Complainant has no objection if this Court were to quash the proceedings in the interest of justice. As the Complainant is unwilling to depose against the accused and has agreed not to precipitate the criminal action in view of the settlement arrived at in the civil proceedings pending between the parties, no fruitful purpose would be served to continue present criminal proceedings. The appropriate course, to my mind, is to quash the criminal complaint pending in the Court of Judicial Magistrate First Class No.7 being complaint No.413 of 2005.

5. Accordingly, both these Petitions succeed. Rule made absolute in terms of prayer clause (a) of

the respective Petitions by quashing criminal complaint No.413 of 2005 pending on the file of Judicial Magistrate First Class No.7, Pune. Disposed of on the above terms.

A.M.KHANWILKAR, J.